

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BECKY CALDARULO, and RAYMOND FOSSINGER,

Plaintiffs,

V.

ELITE REAL ESTATE LLC, a Washington
State Limited Liability Company and
Muhammad Doe, *et al.*

Defendants.

Case No. C17-1333RSL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*. On September 12, 2017, Becky Caldarulo and Raymond Fossinger removed to this Court what appears to be a landlord-tenant matter in King County Superior Court. Dkt. # 1. They assert that the Court has subject-matter jurisdiction because plaintiffs' claims arise under the Constitution and laws of the United States. See 28 U.S.C. § 1331(a).

The party seeking a federal venue has the burden of establishing this Court's subject-matter jurisdiction, In re Dynamic Random Access Memory (DRAM) Antitrust Litig., 546 F.3d 981, 984 (9th Cir. 2008), and the Court may *sua sponte* consider the issue of subject-matter jurisdiction at any time during the proceeding, Scholastic Entm't, Inc. v. Fox Entm't Group, Inc., 336 F.3d 982, 985 (9th Cir. 2003); Fed. R. Civ. P. 12(h)(3). The general removal statute, 28

1 U.S.C. § 1441, is construed restrictively, meaning if there is substantial doubt whether a case
2 should be in federal court, the Court will remand the case back to state court. See, e.g.,
3 Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108–09 (1941); Durham v. Lockheed
4 Martin Corp., 445 F.3d 1247, 1252 (9th Cir. 2006). Defendants have the burden of proving by a
5 preponderance of the evidence that removal is appropriate under the statute.

6 Plaintiffs' short complaint makes very brief reference to federal law. That brief reference
7 is: "PLAINTIFF'S due process rights were violated when DEENDANTS [sic] were given
8 improper and harmful instructions in violation of their rights under the AMERICAN [sic] WITH
9 DISABILITIES ACT." Dkt. # 4 at 3. The complaint is not entirely clear, but it appears an
10 investor bought the building where plaintiffs live through a foreclosure sale and then sought to
11 evict the building's residents. Disputes between landlords and tenants usually fall under state
12 law or municipal ordinance. For example, the City of Seattle's Just Cause Eviction Ordinance,
13 which appears in Section 22.206.160 of the Seattle Municipal Code, explains that owners cannot
14 take certain actions against tenants. See also *Evictions*, Seattle.gov, <http://www.seattle.gov/dpd/codesrules/commonquestions/evictions> (last visited Sep. 12, 2017) (providing resources for
15 Seattleites with questions about eviction). Owners also have certain duties and obligations under
16 parts of the Washington Landlord-Tenant Act that appear in Chapter 59.12 of the Revised Code
17 of Washington. For that reason, state or municipal courts, not federal courts, usually resolve
18 landlord-tenant disputes. Even though plaintiffs mention "due process" and the Americans with
19 Disabilities Act, they do not establish a basis for the Court's jurisdiction.

21 Plaintiffs are accordingly ORDERED TO SHOW CAUSE on or before Friday, October
22 6, 2017, why the Court should not remand this action to state court. The Clerk of Court is
23 directed to note this Order to Show Cause on the Court's calendar for Friday, October 6, 2017.

24 DATED this 21st day of September, 2017.

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27 Robert S. Lasnik
28 United States District Judge